

ENTERED

October 24, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

| | | |
|-------------------|---|------------------------------|
| THOMAS RAY POOLE, | § | |
| | § | |
| Petitioner, | § | |
| VS. | § | CIVIL ACTION NO. 2:16-CV-437 |
| | § | |
| STATE OF TEXAS, | § | |
| | § | |
| Respondent. | § | |

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on October 19, 2016, by a state prisoner incarcerated at the Chaise Field Trustee Camp, which is located in Bee County, Texas. (D.E. 1). Petitioner challenges his July 18, 2008 Henderson County conviction and sentence. (D.E. 1).


A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Henderson County in the Tyler Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(1).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Henderson County, it is more convenient and would further the interests of justice for this action to be handled in the Tyler Division of the Eastern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Tyler Division of the Eastern District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Eastern District of Texas, Tyler Division.

ORDERED this 24th day of October, 2016.



Jason B. Libby
United States Magistrate Judge